



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,257	12/29/2000	Scott D. Leapman	1955	8991
30408 7590 06/21/2007 GATEWAY, INC. ATTN: PATENT ATTORNEY 610 GATEWAY DR. MAIL DROP Y-04 N. SIOUX CITY, SD 57049			EXAMINER DINH, TAN X	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 06/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,257

Applicant(s)

LEAPMAN, SCOTT D.

Examiner

TAN X. DINH

Art Unit

2627

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,15,18,20 and 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1) The amendment filed 4/09/2007 is acknowledged. Claims 2,4, *Claims 2,9-14,16,17,19 and 21* have been previously canceled.

2) The drawings are objected to because the Network Connection Device 140 and Docking Station 130 are not connect to any other elements in figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in

Art Unit: 2627

the next Office action. The objection to the drawings will not be held in abeyance.

3) Claims 7 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase " said drive " (claims 7 and 27) is unclear and cannot be understood. Is this indicated to " a drive " in claim 1 and 23 or " second drive " ?.

4) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

5) (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) Claims 1,3,5,7,8,23,24,25,27 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by TADA (7,110,838).

TADA discloses a recording station as claimed in claim 1, comprising:

Art Unit: 2627

an interface include at least one button for initiation of a function of the recording station (Fig.2, panel interface 209);

a drive configured to receive a recordable media having content recorded thereon (Fig.2, CD driver 212);

a converter for converting the recorded content on media to another format (Fig.2, MPEG encoder);

a transceiver configured to transfer the recorded content to another portable player (Fig.2, computer 201);

wherein conversion of content on the media received by drive to another format by converter is initiated by a single actuation of a button of interface (Fig.2, the audio content from CD player 212 and HDD 206 are converted into MP-3 by encoder MPEG 207 and storing into MP-3 player 1).

Claim 23 adds to claim 1, the feature of a network interface, which is shown in TADA's figure 2, network 215 and 216.

As to claims 3 and 24, TADA shows media is compact disc (Fig.2, CD player 212).

As to claims 5 and 25, TADA shows transceiver is using hardwire connection or wireless connection (Fig.2, I/F 208).

As to claims 7 and 27, TADA shows a second drive to receive a recordable media and wherein converting of content on the media received by drive to another format by converter and recording of

Art Unit: 2627

content in another format to recordable media in second drive is initiated by a single actuation of a button of interface (Fig.2, Panel I/F 209).

As to claims 8 and 28, TADA shows another format is MP-3 format (Fig.2, MP-3 player 1).

7) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8) Claims 6,15,18,20,22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over TADA (7,110,838) and WHITE et al (U.S 2005/0049002).

TADA discloses a recording station as claimed in claims 6,15, and 26, comprises an interface include at least one button for initiation of a function of the recording station (Fig.2, panel interface 209), a drive configured to receive a recordable media having content recorded thereon (Fig.2, CD driver 212), a converter for converting the recorded content on media to another format (Fig.2, MPEG encoder), a transceiver configured to transfer the recorded content to another portable player (Fig.2,

Art Unit: 2627

computer 201), wherein conversion of content on the media received by drive to another format by converter is initiated by a single actuation of a button of interface (Fig.2, the audio content from CD player 212 and HDD 206 are converted into MP-3 by encoder MPEG 207 and storing into MP-3 player 1), *except to specifically show a docking station for recharging the portable player*. WHITE et al from the same field teaches a recording station includes a docking station capable of recharging the portable player (Fig.9, portable player 9 can be connected to 904 for recharging. See also paragraphs [0091]-[0092]). Since the method as taught by WHITE et al is old and widely used as shown above, anyone within the level of skill in the recording art at the time of the invention was made would have been motivate to use a docking station in recording device of TADA in order to recharge the power to portable player as claimed.

Claim 18 is rejected with the same reasons set forth in claim 3 above.

Claim 20 is rejected with the same reasons set forth in claim 8 above.

Claim 22 is rejected with the same reasons set forth in claim 5 above.

Art Unit: 2627

9) Applicant's arguments with respect to claims 1,3,5-8,15,18,20,22-28 have been considered but are moot in view of the new ground(s) of rejection.

10) **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN XUAN DINH** whose telephone number is (571)272-7586. The examiner can normally be reached on **MONDAY to FRIDAY** from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
June 13, 2007